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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

IN RE:

THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,  
Debtors.

Affects:

☒ All Debtors

Case No: 09-14814-lbr  
Chapter: 11  
(Jointly Administered)

**IN RE KITEC FITTING LITIGATION  
CLASS PLAINTIFFS' NOTICE OF NON-  
OPPOSITION TO THE AMENDED  
BALLOT REPORT AND  
CONFIRMATION OF PLAN FOR  
REORGANIZATION FOR RHODES  
COMPANIES, LLC, ET AL.**

Hearing Date: January 21, 2009  
Hearing Time: 9:30 a.m.  
Hearing Location: Courtroom 1, 300 Las  
Vegas Boulevard South, Las Vegas, Nevada  
89101

Hon. Linda B. Riegler

COMES NOW the class of plaintiff homeowners ("Class Plaintiffs") in the construction defect class action styled *In re Kitec Fitting Litigation*, Case No. A493302, pending in the Eighth Judicial District Court, Clark County, Nevada (the "Nevada Class Action"), by and through their court-appointed attorneys of record, the law firms of Kemp, Jones & Coulthard, LLP and Lynch,

Hopper & Salzano, LLP, and hereby submit their Non-Opposition to the Amended Ballot Report and Confirmation of Plan for Reorganization for Rhodes Companies, LLC, et al.

Class Plaintiffs recently entered into a stipulation to lift the automatic stay with the builder of their homes, Debtor Rhodes Design & Development Corporation (“RD&D”), concerning pursuit of their claims against RD&D on a nominal basis in the Nevada Class Action, and withdrawal of their claim (No. 129) in the *In re Rhodes Companies, LLC, aka “Rhodes Homes,” et al.*, Case No. 09-14814-LBR, jointly administered bankruptcy case. As a result of this agreement, Class Plaintiffs are not opposed to the Amended Ballot Report<sup>1</sup> or confirmation of the Second Amended Modified Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC, et al.

DATED this 19<sup>th</sup> day of January, 2010.

KEMP, JONES & COULTHARD, LLP

/s/ William L. Coulthard

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<sup>1</sup> See Exhibit A to the Amended Declaration of Brian Osborne Certifying Tabulation of Ballots Regarding Vote on Second Amended Modified Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC, Et Al. Doc. 929 (Jan. 15, 2010).